IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 20623 of 2004

Between:

1 Mutyala Veera Venkata Peddiraju, S/o. Veera Venkata Satyanarayana Murthy,
R/o. Gogannamatam, West Godavari District.
2 N. Narasimha Rao, S/o. Ram Koteswara Rao,
R/o. CPM Road, Mantevari Thota, Bhinmavaram, West Godavari District.
3 Bolla Sateesh, S/o. Venkata Narayana,
R/o. Hunumam Colony, BRMR, School Ground, Palakol, West Godavari District.
4 Kalidindi Ravi Varma, S/o. Raghu Rama Raju,
R/o. Weavers Colony, Palakol, West Godavari District.
5 G.N.V.S.A. Durga Suresh, S/o. Sarva Rao,
R/o. Vardhaman Raods, Palakol, West Godavari District.
6 Yeluri Venkata Satya Ravi Sree, D/o. Perraju,
R/o. d.No. 54-14-5, A.P.H.B. Colony, Palakol, West Godavari District.
7 T. /Rama Krishna, S/o. Surya Chandra Rao,
R/o. D.No. 11-1-14, Near Urban Bank Back Side, Palakol, West Godavari District.
8 Sakhinetipalli Saritha, D/o. Nageswara Rao,
R/o. Gowthami Nagar, 9th Ward, Palakol, West Godavari District.
9 Puli Usha Madhavi, D/o. Papa Rao,
R/o. MIG 113, Housing Board, Palakol, West Godavari District.
10 Gandeit Padmavathi, D/o. Lakshmana Swamy,
R/o. Govvalavari Street, Palakol, West Godavari District.
11 Palanki Srinivas, S/o. Krishna Das,
R/o. Adavipalem Post, Elamanchali Mandal, Palakol, West Godavari District.
12 Nimmala Kusuma Kumar, D/o. Bhaskara Rao,
R/o. Dhanavarsha Apartment, Plot No.9, Palakol, West Godavari District.
13 N.N.V.V. Rama Satyanarayana, S/o. Venkata Subba Rao,
R/o. Poolapalli, Palakol, West Godavari District.
14 Majji Ashok Kumar, S/o. Rama Rao,
R/o. Chintala Thota,, Palakol, West Godavari District.
15 Geddam Chandra Sekhar, S/o. Pydi Raju,
R/o. APHB Colony, Palakol, West Godavari District.
16 Kotipalli Venkata Sarojini Devi, D/o. Venkateswara Rao,
R/o. Near Subbarayudu Temple, Palakol, West Godavari District.

17 Bokka Santha Kumari, D/o. Satyanarayana,
R/o. Jinnuru Palem, Podurur Mandal, West Godavari District.
18 Beera Madhusudhan, S/o. Prabhakara Rao,
R/o. D.No.1-1-6, Near FCI, Palakol, West Godavari District.
19 Sala Padma, D/o. Mahankali,
R/o. Veeravasatram PCUB West Godavari District.
20 Nedunuri Narasimha Rao, S/o. Venkata Rao,
Kummarapalem, Via Doddipeta, West Godavari District.

(Petition is dismissed insofar as petitioner No.16 is concerned

as per the Court Order, dt.22.12.2004 in WPMP No.31002 of 2004)

..... PETITIONER(S)

AND

1 The Registrar of Cooperative Societies, The Government of Andhra Pradesh, Near Nizam College, Basheerbagh, Hyderabad.
2 The District Cooperative Officer, Eluru, West Godavari District.
3 The Divisional Cooperative Officer (FAC) bhimavaram Cum chairman, The Palakol Cooperative Urban Bank Limited, Palakol West Godavari District.
4 The Palakol Cooperative Urban Bank Limited, Rep. by its Secretary, Palakol, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the 3rd respondent in passing the retrenchment order vide Rc.No.1/PKL CUB/14 to 33, dated 30-10-2004 as illegal, arbitrary and violative of Principal 9of Natural Justice and Provisions of A.P. Cooperative Societies Act 1964 and Rules and consequently direct the respondents to continue the petitioner to discharge their duties of their respective post.

Counsel for the Petitioners:MR.K.L.N.SWAMY

Counsel for the Respondent Nos.1 and 2: GP FOR COOPERATION

Counsel for the Respondent No.4: Sri B.V.Madhava Reddy

The Court, at the stage of admission, made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 3rd respondent in passing the order of retrenchment vide Rc.No.1/PKLCUB/14 to 33, dated 30.10.2004 as illegal and arbitrary.

The impugned order is passed on the ground that as per the audit report for the year 2003-2004, 2% of the working capital is worked out to be Rs.28,06,373/- and 30% of the Gross income is calculated to be Rs.33,17,205/- and therefore, the petitioner was retrenched. Challenging the same, the writ petition has been filed.

The learned counsel for the petitioners has contended that 2% of the working capital is worked out to be Rs.28,06,373/- and without there being any notice, the impugned order has been passed. Therefore, he prays to allow the writ petition.

On the other hand, the learned Government Pleader for Cooperation has contended that in similar cases, this Court has considered in W.P.No.3171 of 2003 and batch, dated 30.8.2004 wherein it is held that if any employee is retrenched or terminated contrary to the provisions of 25-F of the Industrial Disputes Act or 47 of the A.P. Shops and Establishments Act as the case may be, it is open for them to seek appropriate reliefs provided under the said Acts and therefore, the writ petition is devoid of merit.

The facts are not in dispute. As seen from the impugned proceedings, the petitioner was retrenched by giving one month's notice by an order, dated 30.12.2004. It is also stated in the writ petition that the management has not followed the procedure laid down under Section 25-F of the Industrial Disputes Act, 1947. All these aspects have been considered by the learned Single Judge of this Court in W.P.No.3171 of 2003 and batch between ***A.Subrahmanyam Naidu and Others Vs. Government of Andhra Pradesh and another.*** In view of the said judgment, the writ petition is devoid of merit and is liable to be dismissed.

The writ petition is accordingly dismissed. However, the petitioners are at liberty to avail all the remedies as may be available under law. In the circumstances of the case, there shall be no order as to costs.

(K.C. BHANU, J.)

14th February, 2005.

bcj

To

1 The Registrar of Cooperative Societies, The Government of Andhra Pradesh, Near Nizam College, Basheerbagh, Hyderabad.
2 The District Cooperative Officer, Eluru, West Godavari District.
3 The Divisional Cooperative Officer (FAC) Bhimavaram Cum chairman, The Palakol Cooperative Urban Bank Limited, Palakol West Godavari District.
4 The Palakol Cooperative Urban Bank Limited, Rep. by its Secretary, Palakol, West Godavari District.

5 Two C.Cs. to the Government Pleader for Cooperation, High Court Buildings, Hyderabad (OUT)

6 Two C.D. copies.